

January 31, 2011

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUITElisabeth A. Shumaker
Clerk of Court

In re:

LAWRENCE L. MAYES,

Movant.

No. 11-6015

ORDER

Before **LUCERO**, **EBEL**, and **HOLMES**, Circuit Judges.

Lawrence L. Mayes seeks authorization to file a second or successive 28 U.S.C. § 2254 petition, but he admits in his motion for authorization that his claim does not rely on a “new rule of law” or “newly discovered evidence.” Mot. for Auth. at 6. These phrases reference the requirements in 28 U.S.C. § 2244(b)(2) that a person seeking authorization to file a second or successive § 2254 petition must show “(A) . . . that the claim relies on a new rule of constitutional law . . . ; or (B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence.” Because Mr. Mayes has conceded that he does not meet the requirements for authorization under § 2244(b)(2), we DENY his motion for authorization. This denial of

authorization is not appealable and “shall not be the subject of a petition for rehearing or for a writ of certiorari.” 28 U.S.C. § 2244(b)(3)(E).

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk